

FILED '10 FEB 02 16:04 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
(EUGENE DIVISION)

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|------------------------|---|-----------------------|
| JOSE REFUGIO SAMARRON, |) | |
| |) | |
| Petitioner, |) | Civil No. 05-00156-HO |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| SUPERINTENDENT HALL, |) | |
| |) | |
| _____ Respondent. |) | |

A Washington County jury convicted petitioner for two counts of delivery of a controlled substance, one count of possession of a controlled substance, and felon in possession of a weapon. Petitioner directly appealed his convictions, but the Oregon Court of Appeals affirmed and the Oregon Supreme Court denied review.

Petitioner filed a federal habeas corpus application on February 9, 2005, but was granted a stay in the proceedings so that

he could exhaust state remedies. In September 2005, petitioner filed an amended petition for post-conviction relief, but was released from prison before review. Petitioner was deported "on or about" April 13, 2006, and the Federal Public Defender's Office has lost all contact with him. On May 19, 2009, respondent filed a motion to dismiss petitioner's habeas corpus application "for want of prosecution" given that petitioner has failed to pursue his case for over three years.

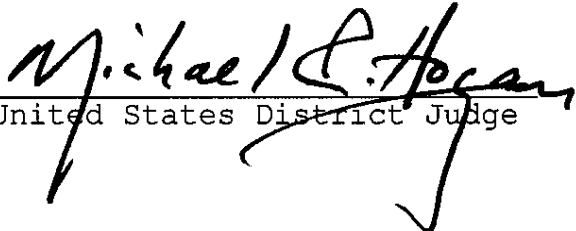
Conclusion

For the reasons stated above, respondent's motion to dismiss [#28] is GRANTED.

Petitioner's petition for writ of habeas corpus [#1] is DENIED.

IT IS SO ORDERED

DATED this 2nd day of FEB, 2010.


United States District Judge